

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

LANCE ARMSTRONG,

Plaintiff,

-vs-

Case No. A-12-CA-606-SS

TRAVIS TYGART, in his official capacity as
Chief Executive Officer of the United States Anti-
Doping Agency, and UNITED STATES ANTI-
DOPING AGENCY,

Defendants.

ORDER

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically Plaintiff Lance Armstrong's Motion for Extension of Time [#39], and Defendants' response [#40] thereto. Having reviewed the documents, the relevant law, and the file as a whole, the Court now enters the following opinion and order GRANTING IN PART Armstrong's motion.


Defendants filed their motion to dismiss on July 19, 2012; consequently, Armstrong's response was due before midnight yesterday, August 2. *See* Local Rule CV-7(e)(2) ("A response to a dispositive motion shall be filed not later than 14 days after the filing of the motion."). Rather than filing his response, however, Armstrong filed a motion asking for an extension of his response deadline "at a minimum" to 5:00 p.m. Central time today, but ideally to 9:00 a.m. Central time on Monday, August 6. Defendants evidently do not oppose the shorter extension, but take issue with the longer, in part because it will circumscribe their time for filing a reply brief.

The Court GRANTS Armstrong's motion insofar as it asks for an extension to midnight Central time on this date; it is otherwise denied. As Defendants point out, it is incumbent upon Armstrong to establish the jurisdiction of this Court, and he has had since at least July 9, the date he filed this lawsuit, to marshal his evidence on that point. The Court is not inclined to penalize Defendants by substantially reducing their allotted time for filing a reply brief, simply because of Armstrong's delay. However, because Defendants' motion is potentially dispositive of this case, the Court wishes to have the benefit of meaningful briefing by Armstrong.

Accordingly,

IT IS ORDERED that Plaintiff Lance Armstrong's Motion for Extension of Time [#39] is GRANTED IN PART, as described above in this order.

SIGNED this the 3rd day of August 2012.



SAM SPARKS
UNITED STATES DISTRICT JUDGE